

REMARKS

By the present Amendment, independent claims 1 and 11 have been amended to obviate the examiner's objections thereto and/or to further clarify the concepts of the present invention. Among other things, claim 11 has been amended to alter the term "means" to "a stretch suppressing member." Entry of these amendments is requested. It is believed that this Amendment is fully responsive to the Office Action dated November 20, 2009.

In a previous Action, claims 8 to 10 were alleged to be independent or distinct from the invention originally claimed. Thus, it was concluded that the remainder of the claims had been constructively elected and claims 8 to 10 were withdrawn from consideration as being drawn to a non-elected invention.

The drawings were objected to under 37 CFR 1.83(a) as failing to show every feature specified in the claims. Specifically, it was alleged that the "clearance" and "coil pitches" should be shown in the drawings. Corrected drawings sheets were required.

As mentioned previously, in amended Figs. 2 and 4, the numeral "16" showing a space between adjacent wire turns of the coil main body has been added.

Furthermore, it should be understood what the phrases “coil pitches” or “wire spaces” means in the context of the present invention. As is evident, the present case is a national phase patent application from PCT into U.S.A. In the International Publication, the Japanese phrase of コイルピッチ間線間 corresponds to the English translation of “coil pitches (wire spaces).”

Each meaning of the Japanese is explained below;

コイル : coil

ピッチ : pitch

間 : between, space

線材 : wire

In this regard, attention is directed to page 3, line 15, page 7, line 6, and page 12, line 9 of WO 2004/062510.

The above-mentioned 間 of “線間” contains a meaning of “between”, i.e. “in the space that separates two things.”

The English translated specification for this application asserts that the present invention has the feature that the stretch suppressing member is swollen to enter the coil pitches (space between adjacent wire turns), this causes a state in which the adjacent wire turns are substantially connected to each other, and as a result, the stretch of the coil main body in the coil axial direction is restricted as is set forth in paragraphs [0011], [0054], [0056], and Figs 1 and 2.

As mentioned above, it's clear that the phrase of "coil pitches (wire spaces)" according to the presently claimed invention means "space between adjacent wire turns of the coil main body".

Claim 12 was rejected under the first paragraph of 35 USC §112 as failing to comply with the written description requirement. Reconsideration of this rejection is requested.

The present invention discloses that, preferably, the wire constituting the coil main body has a diameter of 10 to 120 μm , a coil length of 2 to 500 mm, and a number of turns of 1 to 100 per unit length (1 mm) as is set forth in paragraphs [0015] and [0036]. From the above-mentioned disclosure, it's clear that spaces (i.e. certain distance) exist between adjacent wire turns of the coil main body.

On the other hand, one of features of the present invention is that the stretch suppressing member is swollen to enter the coil pitches (space between adjacent wire turns), thereby causing a state in which the adjacent wire turns are substantially connected to each other, and as a result, the stretch of the coil main body in the coil axial direction is restricted as is set forth in paragraphs [0011], [0054], [0056], and in Figs 1 and 2.

Accordingly, judging from the above-mentioned feature mentioned in the originally filed English specification, although Figs. 1 and 2 are partial views, it's clear that claim 12 shows

function, theory and advantage inherently contained in the embolus forming in-vivo indwelling coil of the present invention (please see MPEP 2163.07(a)).

Claims 1, 2, 4, 5, 11 and 12 have been rejected under 35 USC §102(b) over the patent to Ogawa et al. Reconsideration of this rejection in view of the above claim amendments and following comments is respectfully requested.

While the Ogawa et al patent apparently discloses a joint member 15, the joint member 15 is not a stretch suppressing member. The joint member 15 is a member only to connect and fix an implanted device 16 to a guide wire 10 as is set forth in column 6, lines 50-53, 62-67, and Fig. 2. Additionally, the implanted device 16 is completely different from the guide wire 10, i.e., they are not coil main body constituted by one wire. Accordingly, even if there is a joint member 15, it is not possible that each member of the guide wire 10 and the implanted device 16 stretches unlimitedly at a portion of the joint member existing. One or both of the guide wire 10 and the implanted device 16 is required to be removed from the joint member 15 in order to make it possible.

In addition, as shown in Fig. 2, the joint member 15 is a member to connect and fix the implanted device 16 to the guide wire 10 to close to the connecting portion. Accordingly, it is not possible to prevent or suppress the unlimited stretch of implanted device 16.

The joint member 15 of the Ogawa et al patent corresponds to the coil separating member 12 of the present invention. Thus, it is submitted that the presently claimed invention is not disclosed by the patent to Ogawa et al.

Claim 3 was rejected under 35 USC §103(a) as being unpatentable over the patent to Ogawa et al. Reconsideration of this rejection in view of the above claim amendments and the following comment is respectfully requested.

However, as mentioned above, the joint member 15 of the Ogawa et al patent corresponds to the coil separating member 12 of the present invention and it is not a member to prevent and suppress the unlimited stretch of the implanted device 16.

In addition, a monopolar high-frequency current for detaching the implanted device is applied between the guide wire 10 and the counter electrode 23 by the high-frequency power source as is set forth in column 8, lines 3-15 of the Ogawa et al patent.

Accordingly, if the joint member 15 is arranged in a relevant length of the implanted device 16, a portion to be detached by high-frequency current cannot be decided and it seems that it becomes difficult to separate the implanted device 16. Consequently it's not possible to arrange the joint member 15 in a relevant length of the implanted device 16 in the Ogawa et al patent.

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As mentioned above, the Ogawa et al patent neither discloses nor teaches that the unlimited stretch of the implanted device 16 can be prevented or suppressed by arranging the joint member 15 thereto. Accordingly, it is submitted that the presently claimed invention is not obvious over the Ogawa et al.patent Withdrawal of the rejection is therefore requested.

In view of the foregoing, it is submitted that the subject application is now in condition for allowance and early notice to that effect is earnestly solicited.

In the event this paper is not timely filed, the undersigned hereby petitions for an appropriate extension of time. The fee for this extension may be charged to Deposit Account No. 01-2340, along with any other additional fees which may be required with respect to this paper.

Respectfully submitted,

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Enclosures: Replacement Drawing Sheet (Figs. 2 and 4)
Request for Continued Examination (RCE)
Petition for Extension of Time